

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court
Eastern District of Washington

Aug 13, 2021

SEAN F. MCVOY, CLERK

Graham Sherrill 841567

Scott Laferriere 323630

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Airway Heights Grievance Dept.

Grievance Coordinator

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Case No. 2:21-CV-00277-RMP

(To be filled out by Clerk's Office only)

COMPLAINT

(*Pro Se* Prisoner)

Jury Demand?

Yes

No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

42 U.S.C. § 1983 (state, county, or municipal defendants)

Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Sherrill Graham Kedrick
Name (Last, First, MI) Aliases

941567
Prisoner ID #

A.H.C.C.
Place of Detention

P.O. Box 2049
Institutional Address

Airway Heights, WA
County, City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant 2:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Airway Heights correctional center

Date(s) of occurrence: 6-22-21, 6-28-21, 6-30-21, 7-20-21,

State which of your federal constitutional or federal statutory rights have been violated:

42 section 1983, civil Rights 32, 8th Amendment rights, 6th Amendment,
14th Amendment, 1st Amendment, 28 U.S.C. 2241, 2254, 2255,

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

*Non-compliance unto grievance responses, lack of procedures and applications. Refusing to act within reason intentional interference, within proper grievance procedures having no response and or resolution, acting within own disregard knowing of allegations and conduct. Refusing to act within reason, which is a breach of duty negligence violation of 'first' and 'sixth' Amendment fairness / right for process, withdrawing from proper claim, failing too meet needs of claim. In turn violating RCW 4.16.040, 4.84.290, 4.84.260 timely settlement claim/ resolution. WDOC policy 440.00, 310.100 and 550.100 Refusing response to application and procedures, not following Rules, lack of, policy violations within proper procedures, unreason actions RCW: 49.60.210, 42 U.S.C.S 2000 e-3 a
Stella v. mineta 350 us. (2) the unfavorable action*

gives rise to inference of discrimination and constitutes ineffectiveness Rap 2.5 (a)(3) Wainwright 372 U.S. 335, 344, 83 F.3d 792 9 L Ed.2 799 6th Amendment failure to properly respond to grievances Powe v. Ennis 177 F.3d U.S. Appl Lexis 1323A 393 5th Cir. civil rights U.S. 32 Purpose of Grievance Johnson v. Johnson 385 F.3d 503, 522, 5th Cir. Prison rights for grievances Watson v. Carter 668 F.3d 1108, 1114 Pratti v. Rawland 65 F.3d 802, 806 Bradheim v. Cry 584 F.3d 1262, 1296. Acting with own reason / self interests, misfeasance and malfeasance, unreasonable manners, having knowledge and intentionally violating law / policy and or rule with justification is unlawful conduct, RCW: 9A.72.150, 9A.80.10, 9A.04.110 RCW: 36.28.010, 36.28.011, 29A.56.140 is considered misconduct under color of law RCW: 26.09.090 RCW: 9A.72.150 violation of WDOC policies 590.500, 100.500

Defendant's have continuously denied, delayed proper and or Adequate response and or resolution. In violation of 8th Amendment. RCW: 72.70.010 as to deny proper procedures and or no response / resolution is unconstitutional and discrimination gives rise to inference of equal protection clause as ignorance of the law is no excuse, and law was well established at time of violation. moreover a Reasonable official should know the law govern his / her conduct

Defendants knew and are liable of conduct
under the 14th Amendment.

Due too numerous grievances and actions it's
clearly marked they violate constitutional conduct
and that of RCW: Title 49, 72.70.010

Pletka v. Nix 957 f.2d 1480, 1484, 8th cir.

marales - Feliciano v. Rullan 378 f.3d 42, 54-55
1st cir. U.S. v. Karr 928 f.2d 1138

Defendants have Refused to answer such grievances
and Requests.. A violation of the 8th Amendment
Exists when prisoners are unable to make their
grievance Known. A prison official who ignores
a prisoners complaints violates the 8th Amendment
this is well established. marales - Feliciano v.
Rullan 378 f.3d 42, 54-55 1st cir

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? Yes No
If no, explain why not:

Is the grievance process completed? Yes No
If no, explain why not:

Never got response / reply back. Defendants refusing to answer such grievances. A violation of the Eighth Amendment. This is well established, unto no response.

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

All costs, filing fees, court costs, litigation costs, Attorney fees, All costs regarding this litigation. Injunctive Relief, Declaratory Relief, Punitive Damages/ Relief.

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes No

If yes, how many? one

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

discrimination/ harassment vs. watkins

case 2:21-cv-00201-RMP

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

7-30-21

Dated



Plaintiff's Signature

Sherrill, Graham, Kedrick

Printed Name (Last, First, MI)

841567

Prison Identification #

A.H.C.C. P.O. Box 2049, Airway Heights WA 99001

Prison Address

City

State

Zip Code